

HOUSE No. 1274

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

AN ACT ESTABLISHING REGIONAL LOCK UP FACILITIES.

PETITION OF:

NAME:

Bruce J. Ayers

DISTRICT/ADDRESS:

1st Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING REGIONAL LOCK UP FACILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 34 of Chapter 40 of the General Laws, as most recently amended by Chapter 240 of the Acts of 1985, is hereby further amended by adding after the word “shall” in the first sentence the words “unless a member of a regional lock-up facility”, and by adding after the word “thereby” in the first sentence the words “or the regional lock-up facility, if the city or town is a member of such a facility, pursuant to section thirty-four A of this chapter.”

SECTION 2. Chapter 40 of the General Laws is hereby amended by adding the following new section 34A:—

The Sheriff of each county may establish one or more regional lock-up facilities within the county to which persons arrested with or without a warrant may be committed or any person arrested under any civil process. There shall be an on-site courtroom in each facility to which a justice and appropriate court room personnel shall be assigned for purposes of arraignments and motions for reconsideration of bail. In addition, a justice shall be assigned to those facilities constructed after the effective date of this act, and already equipped with on-site court rooms. Any county regional lock-up facility established under this section shall have the same function and power as a lock-up established under section thirty-four of chapter forty. A city or town may become a member of a county regional lockup facility system by executing, with the consent of the county commissioners, a written agreement with the county sheriff. Said agreement shall be filed with the city or town clerk, the county commissioners, and the secretary of state, and shall set forth the details as to the transportation, booking, fees to be paid per prisoner, and an indemnification agreement.

Member police officers who are transporting a prisoner to a regional lock-up facility shall, during transport, have the full authority and jurisdiction of a police officer through any city, town, or county. The requirements and duties set forth in sections thirty-six A through thirty-six C of chapter forty shall pertain to the regional lock-up facility and the Sheriff’s department personnel, except that training shall be completed within one year of the establishment of such a facility. Member city or town police departments do not have to comply with section thirty-six C of chapter 40. The regional lock-up facility administrator and deputy sheriffs shall have the same

28 authority, jurisdiction and duty as a police officer to detain, book, hold, and transport a pre-
29 arraignment prisoner or any other prisoner to or from the regional lock-up facility. There may be
30 a county regional lock-up advisory board consisting of a representative from each member and
31 the sheriff's department. The advisory board may recommend to the sheriff improvements in the
32 operation of the transportation and booking procedures of the regional lock-up facility.

33 **SECTION 3.** Section 35 of Chapter 40 of the General Laws is hereby amended by adding
34 thereto the following paragraph:—

35 “Notwithstanding the foregoing paragraph, if there is a county regional lock-up facility, the
36 sheriff shall be responsible for the appointment of the administrator of the lock-up facility who
37 shall serve for such term as the sheriff shall determine and written notice of same shall be filed
38 with the county commissioners and the clerk of each member city or town. The administrator of
39 the regional lock-up facility shall have all the powers and duties of a keeper of the lock-up.”

40 **SECTION 4.** Section 36B of Chapter 40 of the General Laws, as most recently amended by
41 Chapter 208, Section 1 of the Acts of 1985, is hereby further amended by adding after the word
42 “town” in the first sentence the word “county”, and by adding after the words “state police” in
43 the first sentence the words “the county sheriff's department.”